

CLOSED,FPD,PURG

Email All Attys

Email All Attys and Secondary Emails

**US District Court Electronic Case Filing System**  
**District of Utah (Southern Region)**  
**CRIMINAL DOCKET FOR CASE #: 4:21-mj-00075-PK-1**

Case title: USA v. Pence

Date Filed: 10/27/2021

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Assigned to: Magistrate Judge Paul  
Kohler

**Defendant (1)**

**Christopher Pence**

represented by **Robert K. Hunt**  
FEDERAL PUBLIC DEFENDER  
DISTRICT OF UTAH  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
(801)524-4010  
Email: [robert\\_hunt@fd.org](mailto:robert_hunt@fd.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

**Disposition**

18:1958-7471.F Use of Interstate  
Commerce Facilities in the  
Commission of Murder-For-Hire

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**Plaintiff****USA**

represented by **Stephen Patrick Dent**  
US ATTORNEY'S OFFICE  
20 N MAIN ST STE 208  
ST GEORGE, UT 84770  
435-680-4421  
Email: [stephen.dent@usdoj.gov](mailto:stephen.dent@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Page	Docket Text
10/27/2021	<u>1</u>		Arrest (Rule 5) of Christopher Pence Warrant out of the USDC Northern District of New York. Assigned to Magistrate Judge Paul Kohler (jlh) (Entered: 10/27/2021)
10/27/2021	2		<b>ORDER SETTING HEARING as to Christopher Pence Initial Appearance – Rule 5 set for 10/28/2021 at 09:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Signed by Magistrate Judge Paul Kohler on 10/27/2021.(jlh) (Entered: 10/27/2021)</b>
10/27/2021	3		<b>ORDER SETTING HEARING as to Christopher Pence Initial Appearance – Rule 5 set for 11/1/2021 at 10:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. (hearing changed from 10/28 to 11/1 due to jail location) Signed by Magistrate Judge Paul Kohler on 10/27/2021.(jlh) (Entered: 10/27/2021)</b>
10/28/2021	4		<b>ORDER SETTING HEARING as to Christopher Pence Initial Appearance – Rule 5 set for 10/29/2021 at 09:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Signed by Magistrate Judge Paul Kohler on 10/28/2021.(jlh) (Entered: 10/28/2021)</b>
10/29/2021	5		Minute Entry for proceedings held before Magistrate Judge Paul Kohler: Initial Appearance in Rule 5/5.1 Proceedings as to Christopher Pence held on 10/29/2021. Defendant present with counsel and in custody. Defendant waives right to personal appearance for purposes of this hearing. Defendant requests counsel. Financial Affidavit to be submitted. Court appoints FPD counsel, Robb Hunt. Defendant is advised of rights. Defendant waives identity hearing. Defendant acknowledges identity on the record. Government is seeking detention in this matter. Detention hearing set. The Court orders defendant detained in USMS custody pending further order. Detention Hearing set for 11/1/2021 at 10:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Attorney for Plaintiff: Stephen Dent, Attorney for Defendant: Robb Hunt, FPD. Interpreter: Not Needed. Probation Officer: Devin Dalton. Court Reporter: Electronic.(Time Start: 8:58, Time End: 9:05, Room 2B St. George.) (jlh) (Entered: 10/29/2021)
10/29/2021	6		<b>DOCKET TEXT ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Christopher Pence No attached document.</b>  <b>Representation shall continue for any post-sentencing activities initiated by the</b>

		US Probation Office. Signed by Magistrate Judge Paul Kohler on 10/29/2021.(jlh) (Entered: 10/29/2021)
10/29/2021	<u>7</u>	ORDER OF TEMPORARY DETENTION as to Christopher Pence Signed by Magistrate Judge Paul Kohler on 10/29/2021.(jlh) (Entered: 10/29/2021)
11/01/2021	<u>8</u>	<b>**SEALED DOCUMENT**</b> PRETRIAL SERVICES REPORT as to Christopher Pence (rmd) (Entered: 11/01/2021)
11/01/2021	<u>9</u>	Minute Entry for proceedings held before Magistrate Judge Paul Kohler: Status Conference as to Christopher Pence held on 11/1/2021. Defendant present with counsel and in custody. After consulting with counsel and being advised of rights, defendant waives personal appearance for this hearing. Counsel for defendant request continuance. Government does not object. Court grants motion.Detention Hearing set for 11/3/2021 at 11:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Attorney for Plaintiff: Stephen Dent, Attorney for Defendant: Paul Riddle, FPD. Interpreter: Not Needed. Probation Officer: Devin Dalton. Court Reporter: Electronic.(Time Start: 10:03, Time End: 10:08, Room 2B St. George.) (jlh) (Entered: 11/01/2021)
11/03/2021	<u>10</u>	Minute Entry for proceedings held before Magistrate Judge Paul Kohler: Status Conference as to Christopher Pence held on 11/3/2021. Government is seeking detention. The defendant reserves his right to a detention hearing in the District of Offense. The court orders the defendant detained and remanded to the USMS custody for transportation to the charging district. Attorney for Plaintiff: Stephen Dent, Attorney for Defendant: Robb Hunt, CJA. Interpreter: Not Needed. Probation Officer: Devin Dalton. Court Reporter: Electronic.(Time Start: 10:57, Time End: 11:08, Room 2B St. George.) (jlh) (Entered: 11/04/2021)
11/04/2021	<u>11</u>	WAIVER of Rule 5(c)(3) Hearing by Christopher Pence (jlh) (Entered: 11/04/2021)
11/04/2021	<u>12</u>	COMMITMENT TO ANOTHER DISTRICT as to Christopher Pence. Defendant committed to District of Northern District of New York. Signed by Magistrate Judge Paul Kohler on 11/3/2021.(jlh) (Entered: 11/04/2021)

FILED  
2021 OCT 27 PM 12:49  
CLERK

AO 442 (Rev. 11/11) Arrest Warrant

U.S. DISTRICT COURT

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America

v.

CHRISTOPHER PENCE

Case No. 1:21-MJ- 511- DJS

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) CHRISTOPHER PENCE,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1958(a) - Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire

Date: 10/27/2021City and state: Albany, New York


Issuing officer's signature

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

AO 442 (Rev. 11/11) Arrest Warrant (Page 2)

**This second page contains personal identifiers provided for law-enforcement use only  
and therefore should not be filed in court with the executed warrant unless under seal.**

*(Not for Public Disclosure)*

Name of defendant/offender: CHRISTOPHER PENCE

Known aliases: \_\_\_\_\_

Last known residence: 2929 South 6500 West in Cedar City, Utah

Prior addresses to which defendant/offender may still have ties: \_\_\_\_\_

Last known employment: \_\_\_\_\_

Last known telephone numbers: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: 05/24/1980

Social Security number: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

Known family, friends, and other associates (*name, relation, address, phone number*): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: \_\_\_\_\_

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (*if applicable*): \_\_\_\_\_

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Stephen Patrick Dent (caseview.ecf@usdoj.gov,  
michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Magistrate  
Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:4949803@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Order Setting Hearing or Trial  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 10/27/2021 at 1:32 PM MDT and filed on 10/27/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK  
**Filer:**  
**Document Number:** 3(No document attached)

**Docket Text:**

**ORDER SETTING HEARING as to Christopher Pence Initial Appearance – Rule 5 set for 11/1/2021 at 10:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. (hearing changed from 10/28 to 11/1 due to jail location) Signed by Magistrate Judge Paul Kohler on 10/27/2021.(jlh)**

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Stephen Patrick Dent stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov,  
theresa.fano@usdoj.gov

**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Stephen Patrick Dent (caseview.ecf@usdoj.gov,  
michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Magistrate  
Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:4950647@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Order Setting Hearing or Trial  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 10/28/2021 at 10:31 AM MDT and filed on 10/28/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK

**Filer:**

**Document Number:** 4(No document attached)

**Docket Text:**

**ORDER SETTING HEARING as to Christopher Pence Initial Appearance – Rule 5 set for 10/29/2021 at 09:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Signed by Magistrate Judge Paul Kohler on 10/28/2021.(jlh)**

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Stephen Patrick Dent stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov, theresa.fano@usdoj.gov

**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Robert K. Hunt (geri\_wynhof@fd.org, robert\_hunt@fd.org), Stephen Patrick Dent (caseview.ecf@usdoj.gov, michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Magistrate Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants: Probation Office - Pretrial (utp\_ecfnotice@utp.uscourts.gov, utpml\_pts\_ecf@utp.uscourts.gov), US Marshals Office - Criminal Desk (slcusc.cellblock@usdoj.gov)  
--No Notice Sent:  
  
Message-Id:4951708@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Initial Appearance - Rule 5/5.1  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 10/29/2021 at 10:22 AM MDT and filed on 10/29/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK  
**Filer:**  
**Document Number:** 5(No document attached)

**Docket Text:**

**Minute Entry for proceedings held before Magistrate Judge Paul Kohler: Initial Appearance in Rule 5/5.1 Proceedings as to Christopher Pence held on 10/29/2021. Defendant present with counsel and in custody (Davis County Jail). Defendant waives right to personal appearance for purposes of this hearing. Defendant requests counsel. Financial Affidavit to be submitted. Court appoints FPD counsel, Robb Hunt. Defendant is advised of rights. Defendant waives identity hearing. Defendant acknowledges identity on the record. Government is seeking detention in this matter. Detention hearing set. The Court orders defendant detained in USMS custody pending further order. Counsel for Defendant request defendant remain in Davis County to facilitate visits. Court grants motion.**

Detention Hearing set for 11/1/2021 at 10:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Attorney for Plaintiff: Stephen Dent, Attorney for Defendant: Robb Hunt, FPD. Interpreter: Not Needed. Probation Officer: Devin Dalton. Court Reporter: Electronic.(Time Start: 8:58, Time End: 9:05, Room 2B St. George.) (jlh)

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Robert K. Hunt robert\_hunt@fd.org, geri\_wynhof@fd.org

Stephen Patrick Dent stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov, theresa.fano@usdoj.gov



**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Robert K. Hunt (geri\_wynhof@fd.org, robert\_hunt@fd.org), Stephen Patrick Dent (caseview.ecf@usdoj.gov, michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Magistrate Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants: CJA Supervising Attorney (joanna\_landau@utd.uscourts.gov)  
--No Notice Sent:  
  
Message-Id:4951713@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Order Appointing Public Defender  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 10/29/2021 at 10:25 AM MDT and filed on 10/29/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK  
**Filer:**  
**Document Number:** 6(No document attached)

**Docket Text:**

**DOCKET TEXT ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Christopher Pence No attached document.**

**Representation shall continue for any post-sentencing activities initiated by the US Probation Office. Signed by Magistrate Judge Paul Kohler on 10/29/2021.(jlh)**

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Robert K. Hunt robert\_hunt@fd.org, geri\_wynhof@fd.org

Stephen Patrick Dent stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov, theresa.fano@usdoj.gov

**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Stephen Patrick Dent (caseview.ecf@usdoj.gov, michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Robert K. Hunt (geri\_wynhof@fd.org, robert\_hunt@fd.org), Magistrate Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:4951715@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Order of Detention  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 10/29/2021 at 10:26 AM MDT and filed on 10/29/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK  
**Filer:**

**Document Number:** 7(No document attached)

**Docket Text:**

**ORDER OF TEMPORARY DETENTION as to Christopher Pence Signed by Magistrate Judge Paul Kohler on 10/29/2021.(jlh)**

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Robert K. Hunt   robert\_hunt@fd.org, geri\_wynhof@fd.org

Stephen Patrick Dent   stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov, theresa.fano@usdoj.gov

**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Stephen Patrick Dent (caseview.ecf@usdoj.gov,  
michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Magistrate  
Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:4949736@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Order Setting Hearing or Trial  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 10/27/2021 at 12:58 PM MDT and filed on 10/27/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK  
**Filer:**  
**Document Number:** 2(No document attached)

**Docket Text:**

**ORDER SETTING HEARING as to Christopher Pence Initial Appearance – Rule 5 set for 10/28/2021 at 09:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Signed by Magistrate Judge Paul Kohler on 10/27/2021.(jlh)**

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Stephen Patrick Dent stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov, theresa.fano@usdoj.gov

**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**

PS3 (09/20-Rev. for PACTS 11/17)

Christopher Pence, / 4:21-00075M-001

In accordance with General Order No. 17-007, in the United States District Court for the District of Utah, Pretrial Services reports are made available to defense counsel and the government at the defendant's first court appearance. Pretrial Services Reports are not public record, are not to be reproduced or disclosed to any other party and shall remain confidential as provided in Title 18 U.S.C. § 3153(c)(1).

**PRETRIAL SERVICES REPORT**

District/Office District of Utah/St. George	Charge(s) (Title, Section, and Description) <b>Count 1:</b> Title <u>18 U.S.C. § 1958(a)</u> - Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire
Judicial Officer Honorable Paul D. Kohler U.S. Magistrate Judge	
Docket Number (Year – Sequence No. – Def. No.) 4:21-00075M-001	

**DEFENDANT**

Name Pence, Christopher		Employer Microsoft	
Alias(es) None			
Other alias names listed on the charging document None			
Address 2929 S. 6500 W. Cedar City , UT 84720 (435)233-4800		Employer Address Works from home	
Address Since 2020	Time in Community of Residence 1 year	Monthly Income \$13,000	Time with Employer 8 years

**NATURE AND CIRCUMSTANCES OF THE ALLEGED OFFENSE AND ARREST CONDUCT**

On September 1, 2021, the FBI received information from a confidential source indicating the defendant, Christopher Pence, was making efforts to hire a person to murder two individuals in the State of New York. The defendant paid using the cryptocurrency known as Bitcoin, in an amount valued at approximately \$16,000 at the time payment was made. The defendant utilized The Onion Router (TOR) network to facilitate the alleged crime.

**INTRODUCTION:**

The defendant is scheduled to appear on November 1, 2021 for a detention hearing.

The defendant was interviewed in the presence of counsel on October 29, 2021, at the Washington County Jail, where he provided all biographical data which was verified by his wife, Michelle.

**DEFENDANT HISTORY / RESIDENCE / FAMILY TIES:**

The defendant, age 41, was born on May 24, 1980, in Kirkland, Washington. He is one of two children born to his parents. The defendant reports that his parents reside with him in Cedar City, Utah. His sister resides in Arizona. He indicated he has a good relationship and maintains consistent contact with his parents and sister. If the court grants his release, the defendant proposes returning to live at his residence in Cedar City with his parents, wife, and kids. (verified)

The defendant noted that he was born and raised Washington State until age 39. He then moved his family to Tyler, Texas, where he lived for approximately 15 months. He is currently a resident of Cedar City, Utah, and has been for approximately one year. The defendant's residence consists of an eight-bedroom house which sits on a 20-acre plot of land located just west of Cedar City. (verified)

The defendant is currently married and has 16 children; 11 children are his biologically, and five are adopted. There are 14 children under the age of 18, 13 of whom live in the home and three are away at college. The defendant's wife reported that she is stay-at-home mother and schoolteacher for their children. (verified)

**EMPLOYMENT HISTORY / FINANCIAL RESOURCES:**

The defendant indicated that he is currently employed with Microsoft as a Security Engineer. He reported he has been working for Microsoft for approximately eight years and has been in tech industry all his adult life. Attempts to verify his employment through Microsoft were unsuccessful, but his wife indicated the defendant's reported employment is accurate.

**Finances:**

The defendant reported that he is a salaried employee that earns approximately \$13,000 per month. He indicated that he owns a rental property in Illinois worth \$27,000, which provides a profit of \$300 monthly. Additionally, the defendant owns three vehicles worth approximately \$12,000 in total. He reportedly has \$1000 in savings.

The defendant's monthly expenses are reported to be \$8,000. These include a mortgage payment of \$3,000, \$2,500 in groceries, \$750 in utilities, and other typical living expenses. The defendant's wife estimated monthly expenses of \$6,000. However, it appears that the defendant handles majority of the finances. The defendant stated that he is the sole provider for his family and being detained would present a financial hardship. (verified)

**EDUCATION HISTORY:**

The defendant reported earning a bachelor's degree in finance from Ashford University in 2019. He stated that he is currently enrolled at North Central University, where he is working on a master's degree in Computer Science. (verified)

**HEALTH:****Physical Health:**

The defendant is in good health with no medical problems.

**Mental Health and Substance Abuse:**

The defendant indicated no history of mental health treatment, substance abuse history, or substance abuse treatment.

**PRIOR RECORD:**

The defendant reported no criminal history. A criminal record check conducted through the National Crime Information Center (NCIC), state, and local records revealed no criminal history for the defendant.

**PRESUMPTION OF DETENTION:** In accordance with General Order 17-007, and as permitted in Guide Vol 8A, § 170(e), the Court directs that a Pretrial Services Report shall address rebuttable presumptions and potential penalties. A presumption of detention does not apply. The charged offense appears not to be one listed under 18 U.S.C. § 3142(e)(3).

**ASSESSMENT OF NONAPPEARANCE:**

The defendant poses a risk of nonappearance for the following reasons:

1. Offense Charged and/or Defendant's Conduct During Arrest for Instant Offense

**ASSESSMENT OF DANGER:**

The defendant poses a risk of danger for the following reasons:

1. Nature of Instant Offense

**Pretrial Risk Assessment (PTRA):** The PTRA is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of failure to appear, new criminal arrest, and technical violations while on pretrial release.

The defendant's PTRA Risk Score is 2 which falls within Category 1.

Out of a sample size of 181,739 defendants, 29% fell within Category 1, which predicts that 1% will Fail to Appear, 1% will have a New Criminal Arrest, 2% will either Fail To Appear or have a New Criminal Arrest, 1% will commit Technical Violations, and 3% will have either a Failure to Appear, New Criminal Arrest, or Technical Violation.

The outcomes for the full sample are represented in the table below.

Risk Category	Number of Cases	Percentage of Total # of Cases	Risk Score	Failure To Appear	New Criminal Arrest	Failure to Appear/New Criminal Arrest	Technical Violation	Failure to Appear/ New Criminal Arrest/ Violation
Category 1	52,677	29%	0-4	1%	1%	2%	1%	3%
Category 2	52,653	29%	5-6	3%	3%	5%	4%	9%
Category 3	49,920	27%	7-8	4%	5%	10%	9%	18%
Category 4	21,779	12%	9-10	6%	7%	15%	15%	28%
Category 5	4,710	3%	11+	6%	10%	20%	19%	35%
Total # of Cases	181,739	100%	The percentage of cases count to have committed a Failure to Appear, New Criminal Arrest, or Technical Violation for each Risk Category based on the total number of cases in that category.					

PS3 (09/20-Rev. for PACTS 11/17)

Christopher Pence, / 4:21-00075M-001

Pretrial Services Officer Devin O. Dalton U.S. Probation Officer	Date November 1, 2021	Time 9:38 AM
Reviewed By Frank A Davis Supervisory U.S. Probation Officer		



**RECOMMENDATION:**

Assessment of the defendant and his circumstances reveals few risks of nonappearance and danger. He has a stable residence, possible continuing employment, a supportive family, and support from the community. He appears to have no prior criminal history.

The alleged criminal conduct is serious. The use of sophisticated means is indicative of an individual who has the ability and desire to hide his actions. The defendant's use of TOR speaks to substantial effort to hinder efforts made by law enforcement to detect criminal activity. The defendant is employed in the tech industry. It is unlikely he would be able to avoid the use of computers or the internet to continue working in his current employment. Monitoring such activities is problematic. The defendant's expertise would make the detection of any nefarious activities much more difficult.

Without consideration of the alleged criminal conduct, it appears there are conditions which would reasonably assure the defendant's appearance and the safety of the community. I respectfully recommend the defendant be released with the following conditions:

- (a) maintain or actively seek verifiable employment and/or maintain or commence an educational program as approved by the pretrial officer.
- (b) abide by the following restrictions on his/her personal associations, place of abode, or travel:
  - (i) maintain residence and do not change without prior permission from the pretrial officer.
  - (ii) not travel outside the state of Utah without prior permission from the pretrial officer.
  - (iii) not travel outside the United States without prior permission from the Court.
- (c) avoid all contact, directly or indirectly, with any person who is or may be an alleged victim, potential witness and/or codefendant in the investigation or prosecution. List of persons to be provided to the defendant by the Government.
- (d) report on a regular basis to the pretrial officer as directed. Immediately report to the pretrial officer any contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (e) not possess a firearm, ammunition, destructive device, or other dangerous weapon.
- (f) not use alcohol to excess
- (g) not use or unlawfully possess a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner. Prescriptions should be reported to the pretrial officer. You shall not use, possess, ingest, or market products containing THC in any form or CBD products which are not obtained from a pharmacy by prescription.
- (l) surrender any passport to the United States Clerk of the Court, District of Utah.
- (m) not obtain or apply for passport.
- (r) participate in one of the following location restriction program components and abide by its requirements as the pretrial officer instructs. Pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial officer. No overnight travel without Court approval.

(ii) Home Detention. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities preapproved by the pretrial officer; or

(iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the Court.

(s) submit to the following location monitoring technology and comply with its requirements as directed:

(iii) Global Positioning Satellite (GPS);

(t) submit person, residence, office, or vehicle to a search, conducted by the pretrial officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant will warn any other residents that the premises may be subject to searches pursuant to this condition.

(u) participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a co-payment plan.

(iii) Appendix C - Restricted Computer Access (No computer or internet access except for approved employment).

All computers, internet accessible devices, media storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

(t) The defendant must submit person, residence, office, or vehicle to a search, conducted by the pretrial officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant will warn any other residents that all computers, internet accessible devices, media storage devices, and digital media may be subject to searches pursuant to this condition.

PS3 (09/20-Rev. for PACTS 11/17)

Christopher Pence, / 4:21-00075M-001

I acknowledge that in accordance with General Order 17-007, in the United States District Court for the District of Utah, defense counsel and the attorney for the government may retain this criminal history attachment of the Pretrial Services Report, and permit staff to review it for purposes of case preparation and guideline calculation estimates. The Court has authorized the U.S. Probation Office for the District of Utah to disclose the criminal history information. It should not be reproduced or re-disclosed under any circumstances. The criminal history information below is the result of a preliminary investigation and is not to be considered complete and entirely accurate at this time. The U.S. Probation Office is not authorized to discuss the information contained in this section with the parties.

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Assistant U.S. Attorney

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Defense Counsel

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U.S. Probation Officer

In accordance with General Order 17-007, in the United States District Court for the District of Utah, defense counsel and the attorney for the government may retain this criminal history attachment of the Pretrial Services Report, and permit staff to review it for purposes of case preparation and guideline calculation estimates. The Court has authorized the U.S. Probation Office for the District of Utah to disclose the criminal history information. It should not be reproduced or re-disclosed under any circumstances. The criminal history information below is the result of a preliminary investigation and is not to be considered complete and entirely accurate at this time. The U.S. Probation Office is not authorized to discuss the information contained in this section with the parties.

**PRIOR RECORD:**

The defendant reported no criminal history. A criminal record check conducted through the National Crime Information Center (NCIC), state, and local records revealed no criminal history for the defendant.

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Robert K. Hunt (geri\_wynhof@fd.org, robert\_hunt@fd.org), Stephen Patrick Dent (caseview.ecf@usdoj.gov, michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Magistrate Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:4953164@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Status Conference  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 11/1/2021 at 1:32 PM MDT and filed on 11/1/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK  
**Filer:**  
**Document Number:** 9(No document attached)

#### **Docket Text:**

**Minute Entry for proceedings held before Magistrate Judge Paul Kohler: Status Conference as to Christopher Pence held on 11/1/2021. Defendant present with counsel and in custody. After consulting with counsel and being advised of rights, defendant waives personal appearance for this hearing. Counsel for defendant request continuance. Government does not object. Court grants motion.**

Detention Hearing set for 11/3/2021 at 11:00 AM in Room 2B (St George) before Magistrate Judge Paul Kohler. Attorney for Plaintiff: Stephen Dent, Attorney for Defendant: Paul Riddle, FPD. Interpreter: Not Needed. Probation Officer: Devin Dalton. Court Reporter: Electronic.(Time Start: 10:03, Time End: 10:08, Room 2B St. George.) (jlh)

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Robert K. Hunt robert\_hunt@fd.org, geri\_wynhof@fd.org

Stephen Patrick Dent stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov, theresa.fano@usdoj.gov

**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**

MIME-Version:1.0  
From:utd\_enotice@utd.uscourts.gov  
To:ecf\_notice@localhost.localdomain  
Bcc:  
--Case Participants: Stephen Patrick Dent (caseview.ecf@usdoj.gov, michelle.smith2@usdoj.gov, stephen.dent@usdoj.gov, theresa.fano@usdoj.gov), Robert K. Hunt (geri\_wynhof@fd.org, robert\_hunt@fd.org), Magistrate Judge Paul Kohler (noreen\_farley@utd.uscourts.gov, utdecf\_kohler@utd.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:4956824@utd.uscourts.gov  
Subject:Activity in Case 4:21-mj-00075-PK USA v. Pence Status Conference  
Content-Type: text/html

**If you need assistance, call the Help Desk at (801)524-6100.**

## **US District Court Electronic Case Filing System**

### **District of Utah**

#### **Notice of Electronic Filing**

The following transaction was entered on 11/4/2021 at 9:54 AM MDT and filed on 11/3/2021

**Case Name:** USA v. Pence  
**Case Number:** 4:21-mj-00075-PK  
**Filer:**  
**Document Number:** 10(No document attached)

#### **Docket Text:**

**Minute Entry for proceedings held before Magistrate Judge Paul Kohler: Status Conference as to Christopher Pence held on 11/3/2021. Government is seeking detention. The defendant reserves his right to a detention hearing in the District of Offense. The court orders the defendant detained and remanded to the USMS custody for transportation to the charging district.**

Attorney for Plaintiff: Stephen Dent, Attorney for Defendant: Robb Hunt, CJA. Interpreter: Not Needed.  
Probation Officer: Devin Dalton. Court Reporter: Electronic.(Time Start: 10:57, Time End: 11:08, Room 2B St. George.) (jlh)

**4:21-mj-00075-PK-1 Notice has been electronically mailed to:**

Robert K. Hunt    robert\_hunt@fd.org, geri\_wynhof@fd.org

Stephen Patrick Dent    stephen.dent@usdoj.gov, CaseView.ECF@usdoj.gov, michelle.smith2@usdoj.gov, theresa.fano@usdoj.gov

**4:21-mj-00075-PK-1 Notice has been delivered by other means to:**



## UNITED STATES DISTRICT COURT

for the

\_\_\_ District of Utah \_\_\_

United States of America

v.

Christopher Pence

Defendant

Case No. 4:21-mj-00075-PK

Charging District's Case No. 1:21-mj-511-DJS

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)I understand that I have been charged in another district, the *(name of other court)* Northern District of New York.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☒ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my ☒ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

11/3/2021Paul D. Riddle for Christopher Pence

Defendant's signature

Paul D. Riddle

Signature of defendant's attorney

Paul D. Riddle

Printed name of defendant's attorney



AO 94 (Rev. 06/09) Commitment to Another District

## UNITED STATES DISTRICT COURT

for the

District of Utah

United States of America

v.

Christopher Pence

Defendant

Case No. 4:21-mj-00075 PK

Charging District's

Case No. 1:21-mj-511-DJS

NOV 03 2021  
D. MARK JONES, CLERK  
BY DEPUTY CLERK

## COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Northern District of New York, (if applicable) division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States Marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States Marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 11/3/2021



Magistrate Judge Paul Kohler

Printed name and title